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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Inter-sessional Working Group on Minorities
Second session
30 April-3 May 1996

ANNOTATIONS TO THE DRAFT PROVISIONAL AGENDA

Note by the Secretary-General

Introduction

1. The establishment of the Working Group was recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1994/4 of 19 August 1994 and authorized by the Commission on Human Rights in its resolution 1995/24 of 3 March 1995, in which it called upon the Sub-Commission to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992. For that purpose it authorized the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group. This resolution was subsequently endorsed by the Economic and Social Council in its resolution 1995/31 of 25 July 1995.

2. At its first session, held at the United Nations Office at Geneva from 28 August to 1 September 1995, the Working Group elected Mr. Asbjørn Eide as Chairman-Rapporteur for the duration of its three-year mandate.

3. The second session of the Working Group is scheduled to be held at the United Nations Office at Geneva from 30 April to 3 May 1996. The first plenary meeting will be convened at 10 a.m. on Tuesday, 30 April 1996. The members of the Working Group decided to meet informally on 29 April 1996.

1. Adoption of the agenda

4. The provisional agenda for the second session of the Working Group, contained in document E/CN.4/Sub.2/AC.5/1996/1, includes items on the promotion of the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Commission on Human Rights, in its resolution 1995/24, requested the Working Group to give priority consideration to the three main items contained in paragraph 9 of that resolution, namely:

(a) To review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) To examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) To recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

5. In accordance with the above-mentioned paragraph, the Working Group decided to discuss, at its present session, the following issues in the following order: reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities; questions of definitions, attributes and categorizations of minorities; the future role of the Working Group; other matters; adoption of the report to be submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session in 1996.

2. Organization of work

6. It is envisaged that the number of meetings for each agenda item will be as follows: three meetings for the agenda item 3 (a); two meetings for agenda item 3 (b); one meeting for agenda item 3 (c); one meeting for agenda item 4; and one meeting for agenda items 5 and 6.

7. At its first session, it was decided that Mr. Chernichenko would prepare a working paper on the definition of minorities (E/CN.4/Sub.2/AC.5/1996/WP.1); Mr. Eide a working paper on the classification of minorities and differentiation in minority rights (E/CN.4/Sub.2/AC.5/1996/WP.2); and Mr. Bengoa a working paper on education and minorities (E/CN.4/Sub.2/AC.5/1996/WP.3).

3 (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

8. Under this item, the Working Group decided to categorize the relevant issues to be discussed according to national, bilateral, regional and international issues. At the international level, the contributions by the United Nations organs and bodies, specialized agencies and entities of the United Nations to the realization of the rights and principles set forth in the Declaration (art. 9) have been identified as the major issues. The Working Group has before it document E/CN.4/Sub.2/C.5/1996/WP.3).

(i) At the national level

(a) Constitutional and main legal provisions protecting the existence and identity of minorities (art. 1.1). All participants irrespective of their status, are encouraged to submit information and proposals on this subject;

(b) The rights of persons belonging to minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practise their own religion and to use their own language, in private and public (arts. 2.1 and 3). For this purpose, information on legislative and administrative measures and their application in practice may be submitted to the Working Group;

(c) Effective participation by members of minorities, individually or in community with others, including (a) effective participation in cultural, religious, social, economic and public life (art. 2.2), (b) effective participation in decisions at the national and regional levels concerning the minority to which they belong or the regions in which they live (art. 2.3), (c) the right of persons belonging to minorities to establish and maintain their own associations (art. 2.4) and (d) the participation by persons belonging to minorities in the economic progress and development of their country (art. 4.5);

(d) The value and content of education aimed at protecting the cultural identity of persons belonging to minorities, including the right to learn and have instruction in their mother tongue (art. 4.3);

(e) The value and content of multicultural education in fostering reciprocal understanding and tolerance;

(f) The role of educational policies in ensuring the effective participation in society of persons belonging to minorities;

(g) Contributions by minorities, majorities and national non-governmental organizations to the harmonious and peaceful political development of a country's society as a whole, while respecting the territorial integrity and political independence of States;

(h) National recourse and conciliation machineries, including national commissions or councils, community mediation and other forms of voluntary dispute avoidance or settlement;

(i) The need to pay due regard to the legitimate interests of persons belonging to minorities in national policies and programmes (art. 5.1).

(ii) At the bilateral and regional level

(a) The existence, use and value of bilateral treaties and similar agreements on good neighbourly relations and on the treatment of persons belonging to minorities; the continued validity and significance of previously adopted regional and bilateral agreements containing provisions relating to specific minorities;

(b) The existence, use of and experience with regional mechanisms for the protection of persons belonging to minorities.

(iii) At the international level

(a) Cooperation among States in order to promote respect for the rights of persons belonging to minorities (arts. 7 and 8.1);

(b) Role of the Commission and the Sub-Commission;

(c) Role of the United Nations High Commissioner for Human Rights;

(d) Role of the United Nations programme of technical cooperation and advisory services;

(e) Role of the treaty bodies, including the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of All Forms of Discrimination against Women, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights and the Committee against Torture;

(f) Role of the United Nations specialized agencies such as the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO);

(g) Role of United Nations bodies, including the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the United Nations Research Institute for Social Development (UNRISD) and the United Nations University (UNU);

(h) Role of the World Bank and the International Monetary Fund;

(i) Role of national institutions;

(j) Role of non-governmental organizations.

3 (b) Examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments

9. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1995/13, requested the Working Group "... to examine, inter alia, as part of its mandate concerning the examination of

possible solutions to problems involving minorities, issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced". Under this item, it was decided by the Working Group at its first session to discuss the following:

(i) Examination of the causes and nature of the problems affecting minorities and group accommodation;

(ii) Examination of issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced;

(iii) Facilitating dialogue between and among minorities and Governments;

(iv) Technical cooperation as a contribution to finding solutions;

(v) Prevention and early-warning mechanisms;

(vi) Analysing the patterns of media presentation affecting minorities and group relations;

(vii) The role of the media and the arts in developing understanding for the promotion of mutual respect and cooperation.

3 (c) Recommending further measures, as appropriate, for the promotion and protection of persons belonging to national or ethnic, religious and linguistic minorities

10. It was decided, at its first session, that the Working Group would continue to call on observers to consider further measures for the protection of persons belonging to minorities that could be considered examples or could be replicated.

4. Questions of definitions, attributes and categorizations of minorities

11. The Working Group decided that one meeting would be devoted to this item during the session. The Working Group has before it the working papers prepared by Mr. Chernichenko and Mr. Eide respectively on the working definition of minorities (E/CN.4/AC.5/1996/WP.1) and the classification of minorities and differentiation in minority rights (E/CN.4/AC.5/1996/WP.2).

5. Future role of the Working Group

12. The Working Group recommended that it should, in accordance with its mandate, continue to act as a forum for dialogue and exchange of ideas, information and experience with a view to the elaboration of proposals for constructive group accommodation and further measures to promote and protect the rights of persons belonging to minorities.

6 Other matters

13. Under this item, members of the Working Group may consider a range of issues related to its mandate.